

**FILED  
UNDER  
SEAL**

Prob12C  
D/NV Form  
Rev. March 2017

United States District Court  
for  
the District of Nevada

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PETITION FOR WARRANT  
FOR OFFENDER UNDER SUPERVISION

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Name of Offender: **Billy Ray McDuffy**

Case Number: **2:16CR00273**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **October 12, 2017**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **30 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **December 17, 2018**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

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PETITIONING THE COURT

☒ To issue a warrant.

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The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

McDuffy failed to report for scheduled drug testing on the following dates:

January 9, 2020

December 5, 2019

September 20, 2019

September 7, 2019

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August 1, 2019

2. **Must Report As Instructed** - After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
  - a) On October 29, 2019, during a home visit, McDuffy was instructed to report to an orientation at Foundation for an Independent Tomorrow (FIT) on November 4, 2019. He failed to report to the orientation on that date.
  - b) On December 5, 2019, McDuffy was instructed to report to an orientation at Foundation for an Independent Tomorrow (FIT) on December 9, 2019. He failed to report to the orientation on that date.
3. **Report Police Contact Within 72 Hours** - If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

On December 8, 2019, McDuffy was questioned regarding any law enforcement contact. He verified he did in fact have law enforcement contact but was afraid to advise the undersigned officer of his contact. The undersigned officer made contact with LVMPD and they advised he was cited for Driving Without a License. McDuffy failed to advise the undersigned officer of his contact within the 72-hour notification window.

4. **Community Service** – You must complete 30 hours of community service within 30 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

On December 9, 2019, McDuffy signed a Form 49 Waiver of Hearing agreeing to modify his conditions of supervision to include 30 hours of community service work to be completed in 30 days. On that same date, Your Honor ordered the modification request. On January 10, 2020, during an office visit, McDuffy provided a letter of completion of his community service work from the Salvation Army at 2900 Palomino Lane, as well as his time sheet signed by John Smith, Human Resource Associate Director. Our office contacted Salvation Army and spoke to the Corporate Engagement and Volunteer Coordinator, Kisha Alderman, who coordinates all the community service/volunteer work conducted at the address provided by McDuffy. Despite McDuffy providing the undersigned officer with the letter and the time sheet, she advised McDuffy had not completed his community service.

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5. **Must Answer Truthfully** - You must answer truthfully the questions asked by your probation officer.

On January 13, 2020, the undersigned officer traveled to the residence of McDuffy and questioned him regarding his community service work due to conflicting information regarding his claim and information received from Salvation Army. He stated he did in fact complete his hours of community service as listed in his time sheet. He also described "John Smith, Human Resource Associate Director" as a bald black man with glasses.


**U.S. Probation Officer Recommendation:**

The term of supervision should be:

☒ Revoked


I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **January 13, 2020**

 Kamu Kapanui  
2020.01.13  
16:27:24 -08'00'

Kamuela K Kapanui  
United States Probation Officer

Approved:

 2020.01.13  
16:19:48 -08'00'

Joy Gabonia  
Supervisory United States Probation Officer

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***THE COURT ORDERS***

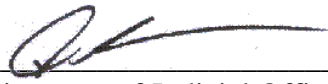
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- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:

  
\_\_\_\_\_  
Signature of Judicial Officer  
01/14/2020  
\_\_\_\_\_  
Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
UNITED STATES V. BILLY RAY MCDUFFY, 2:16CR00273**

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**SUMMARY IN SUPPORT OF PETITION FOR WARRANT  
January 13, 2020**

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On October 29, 2019, a home visit was conducted at McDuffy's residence. McDuffy was questioned regarding his employment status and he indicated that he cuts hair but is not employed by an actual barber shop. He was advised that he would need to commence job search activities or participate in a form of education or job training to satisfy his employment condition. McDuffy was referred to attend the orientation at Foundation for an Independent Tomorrow (FIT) where he could obtain his OSHA 10 card and obtain employment fairly quickly as a flagger. He indicated he was interested in this opportunity and the undersigned officer instructed him to attend the orientation on Monday, November 4, 2019. McDuffy failed to report to FIT as instructed.

On December 5, 2019, McDuffy failed to appear for a drug test. He reported to the office on December 6, 2019 and was negative for any controlled substances. On that date, he was once again instructed to report to FIT for the orientation on December 9, 2019. McDuffy failed to report to FIT once again.

On December 8, 2019, McDuffy was questioned regarding any law enforcement contact. He verified he did in fact have law enforcement but was afraid to advise the undersigned officer of his contact. The undersigned officer made contact with LVMPD and they advised he was cited for Driving Without a License on December 3, 2019. McDuffy failed to advise the undersigned officer of his contact within the 72-hour notification window.

On December 9, 2019, McDuffy reported to the Probation Office and advised that he traveled to FIT but was 10 minutes late and was not allowed to participate in the orientation. He stated that he needed to take his children to the bus stop which delayed his travel time to FIT. He then reported that he has difficulty planning things due to his girlfriend's changing work schedule. At that time, he was advised that he needs to change his behavior in order to move forward. The undersigned officer contacted his girlfriend, Shantrice Lewis, and worked out a schedule where she could drop McDuffy off to FIT on Monday, December 16, 2019. Due to the number of violations, our office advised we would be requesting to modify his conditions of supervision to include 30 hours of community service hours to be completed in 30 days, to which he agreed. He was advised of his right to a hearing and to be represented by counsel. McDuffy declined the hearing as witnessed by the attached Waiver of Hearing Form 49.

On January 9, 2020, McDuffy failed to appear for a scheduled drug test. On January 10, 2020, McDuffy reported to the office and submitted a negative drug test. At that time, he provided this officer a letter of completion for his 30 hours of community service work completed at Salvation Army, located at 2900 Palomino Lane, Las Vegas, NV 89107. The time sheet and the completion letter provided was signed by a "John Smith, Human Resource Associate Director." On that

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same date, the undersigned contacted Salvation Army at the above-listed address and spoke to Wilma. She indicated there was no John Smith that worked at their facility. She then provided the contact number for Kisha Alderman, Corporate Engagement and Volunteer Coordinator.

On January 13, 2020, the undersigned traveled to McDuffy's residence and questioned him regarding his community service work due to conflicting information regarding his claim and information received from Salvation Army. He stated he did in fact complete his hours of community service as listed on his time sheet at the 2900 Palomino Lane location. He also described "John Smith, Human Resource Associate Director" as a bald black man with glasses. On that same date, the undersigned officer contacted Salvation Army and spoke to Ms. Alderman, who coordinates all the community service/volunteer work conducted at the 2900 Palomino Lane location. Despite McDuffy providing the undersigned officer with a letter and time sheet, she verified McDuffy had not completed his community service hours at their location or at the Salvation Army. In regards to the paperwork provided by McDuffy, she explained that human resources does not have anything to do with volunteers or community service. She indicated all of the completion letters are generated by her and the actual community service work is done at 35 West Owens Avenue since the 2900 Palomino Lane is an administrative office. She further stated she conducts the orientation and coordinates all community service work and McDuffy has never had a file created.

Based upon the offender's conduct detailed in this petition, the probation office recommends the issuance of a warrant to initiate revocation proceedings. McDuffy has prior arrests/convictions of violence and weapons related offenses and has prior revocations/violations on court-ordered supervision. It is further recommended the offender remain in custody pending revocation proceedings.

Respectfully submitted,



Kamu Kapanui

2020.01.13

16:28:06 -08'00'

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Kamuela K Kapanui  
United States Probation Officer

Approved:



2020.01.13

16:20:08 -08'00'

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Joy Gabonia  
Supervisory United States Probation Officer